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## CURRENT INTELLIGENCE WEEKLY SUMMARY

13 February 1958

## INTERNATIONAL CONFERENCE ON THE LAW OF THE SEA

The divergent claims of states over their adjacent sea areas will be highlighted at the International Conference on the Law of the Sea at Geneva beginning 24 February. The conference, under United Nations sponsorship, is being convened to draw up agreements defining numerous aspects of international maritime law. Representatives of about 89 countries will attend. The problem of the extent of "territorial sea," over which a coastal state has full sovereignty, will be one of the most difficult the conference will attempt to solve.

Other subjects to be reviewed by the conference include: methods of measuring territorial waters, freedom of "innocent passage" for ships and the regulation of such passage through territorial waters, rights exercised by the coastal state in the "contiguous zone" beyond the territorial waters, extent of the contiguous zone, regulation of fishing and conservation of marine resources on the high seas, jurisdiction over the continental shelf, freedom of movement for ships and aircraft on and over the high seas, laying of cables and pipelines under the high seas, nationality status of ships, and policing of the seas.

The three-nautical-mile limit for territorial waters has come under increasing attack since the end of World War II. Traditionally the principal maritime countries--the United Kingdom, the United States, and Japan--have favored the three-mile limit for the area of exclusive national jurisdiction. Aligned against these powers are the countries with limited

maritime interests, countries desiring exclusive control over offshore marine resources, and many of the new Afro-Asian states. Of 62 coastal states having definite policies, about 30 restrict their claims to three miles. Several of these 30, however, are on the point of making more extensive claims.

The Soviet Union has long claimed a 12-mile limit and has sought to close particular areas beyond this limit along its coasts. Several Soviet satellites, together with about four free world states, also claim 12 miles, and most of the Arab states, Indonesia, and possibly some other countries seem ready to concur.

Maintenance of jurisdiction over the contiguous zone beyond the territorial waters has long been practiced to prevent smuggling and for other purposes. Now there is a tendency to extend the width of these zones and to increase the type of control exercised over them. Some countries have claimed partial jurisdiction over areas ranging up to a distance of 200 miles offshore. Canada has proposed that a zone 12 miles wide be established for the control of fisheries. Presumably the zone would be divided between a three-mile belt of territorial waters and a nine-mile contiguous zone.

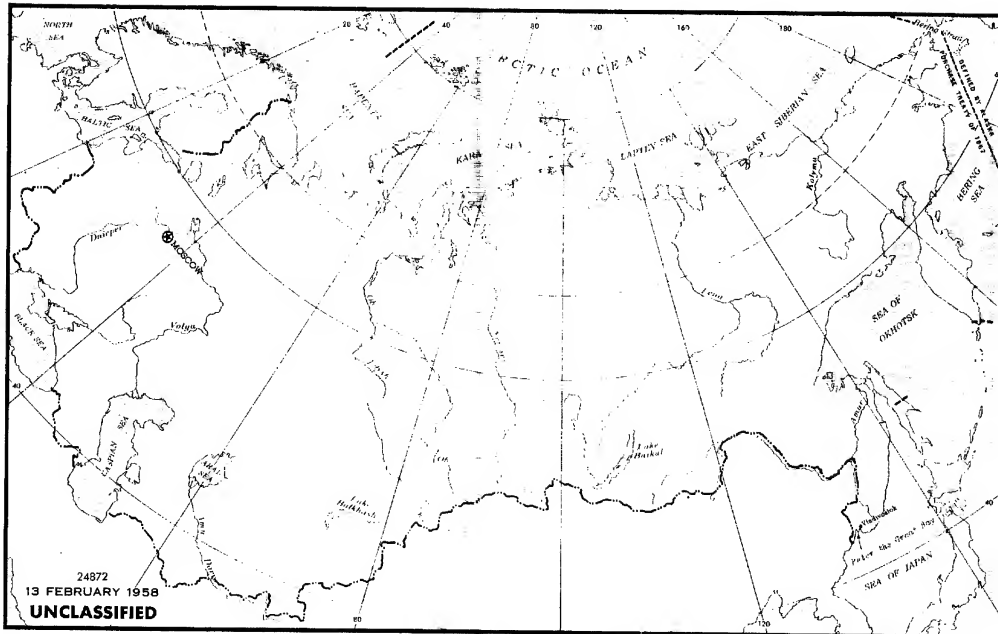
In view of the growing frequency of more extensive claims, it seems doubtful that the three-mile principle will be acceptable to the conferees. The British are reported ready to offer a compromise proposal, possibly of six miles, rather than have the conference adopt a 12-mile limit or fail to come

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to any agreement. The Soviet bloc will doubtless attempt to exploit the differences between those advocating the three-mile limit and the other conference members.

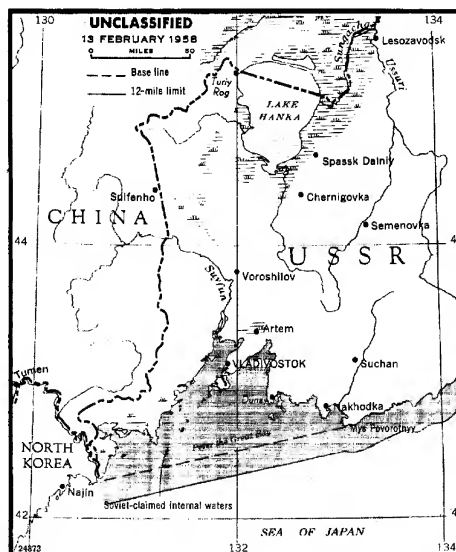
Czechoslovakia and Afghanistan called a preliminary meeting of some 13 landlocked states, probably to influence their views on the territorial sea question and other issues, although the main interest of these states is in the question of access to the sea.

Conflicting interests in respect to territorial waters have long given rise to numerous disputes, most recently regarding the waters of the USSR, Indonesia, Iceland, and the Gulf of Aqaba.

USSR

Following Czarist precedents, the Soviet Union formalized its claim to sovereignty

over a 12-mile zone. After World War II the USSR became embroiled with Sweden and Denmark when it extended its 12-mile claim to the Baltic coast, where three- and four-mile limits had previously been recognized. It has also claimed the waters of the Bering Sea and Strait from the Siberian mainland

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eastward to the line defined in the Alaska Purchase Treaty of 1867. There are indications that the USSR regards the Arctic Ocean from the coast to the North Pole--particularly the Kara, Laptev, and East Siberian Seas--as within its jurisdiction.

The USSR has several times attempted without success to secure Japanese assent to closing the Sea of Japan to naval vessels of those countries not bordering on the sea. Semiofficially, the Russians have described the Sea of Okhotsk as a "great bay" surrounded by Soviet territory that should be closed to outside ships and aircraft, a view aimed particularly at Japanese fishing fleets. The latest move to exclude foreign vessels and aircraft from Far Eastern waters occurred on 31 July 1957 with the closing of Peter the Great

on geographic, historic, economic, and security grounds.

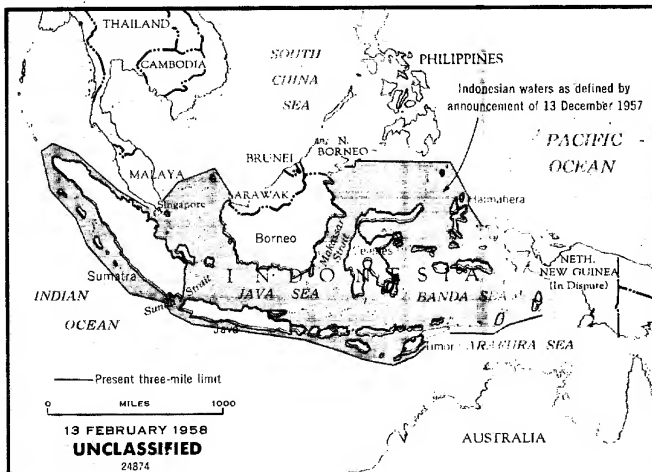
Indonesia

The Indonesian Council of Ministers announced proposed legislation on 13 December 1957 defining all waters around the islands comprising the republic as "national waters" under Indonesian sovereignty. Indonesia's territorial sea would also be extended outward 12 nautical miles, from "straight base lines," drawn to connect the outermost points of the islands. The straight-base-line method, differing from the method of following coastal irregularities, was given qualified approval by the International Court of Justice in the Anglo-Norwegian fisheries case in 1951. Little opposition is expected to passage of the legislation by the Indonesian Parliament.

The Indonesian legislation would provide the limited fleet of Indonesian patrol vessels with a legal basis for controlling smuggling and unauthorized barter trade now plaguing the central government. Indonesia will defend its position before the Geneva conference.

The proposed legislation constitutes a radical departure from

the Dutch ordinance providing a three-mile limit around individual islands. Large expanses of water and strategic passages such as the Java Sea, Banda Sea, Makassar Strait, and Sunda Strait--heretofore considered



Bay near Vladivostok, site of the Soviet Pacific Fleet headquarters. The USSR, in rejecting protests by Japan, the UK, and the United States, claimed in January 1958 that the bay was part of its internal waters

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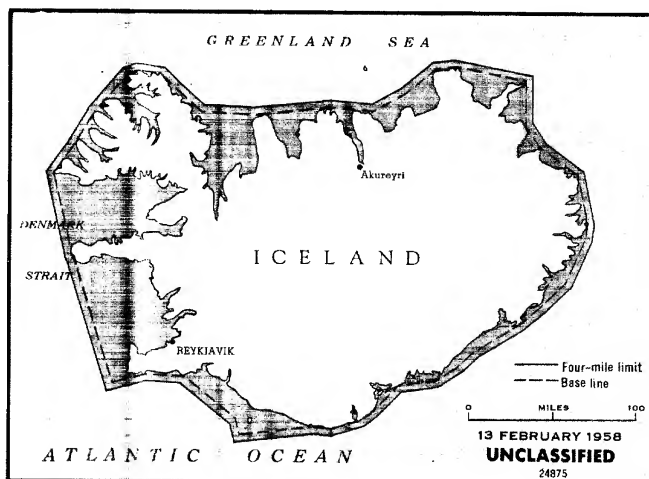
international waters--would become Indonesian "national waters." Several European governments, Australia, and the United States have protested the move. Canada, mindful of its islands in the Arctic, has refrained from protesting. Although the new law would guarantee passage for foreign vessels on lawful missions, the protesting states point to it as an interference with freedom of navigation on the high seas.

Iceland

In May 1952, following the ICJ decision in the Anglo-Norwegian fisheries case, the Icelandic Government established a zone barred to foreign fishing vessels which extends four miles seaward from straight base lines drawn from outermost points of coasts, islands, and rocks and across the openings of bays. Since the coast of Iceland is quite irregular, this action resulted in the restriction of large water areas.

Iceland in 1949 denounced a 1901 treaty whereby British vessels were allowed fishing rights within a three-mile zone. The Icelandic action was protested by the United Kingdom and other states, and a ban was imposed on the importation of Iceland's fish into British markets. This move was temporarily disastrous for the Icelandic economy and forced a search for alternate markets in Italy, the United States, and the USSR. No compromise was reached in

the dispute until 1956, when it was agreed that specified amounts of Iceland's fish could be landed in Britain. Iceland still maintains its right to exclusive jurisdiction over its adjacent seas, and will probably extend its fishings limits if the Geneva conference



does not meet its minimum requirements.

Gulf of Aqaba

The problem of the Gulf of Aqaba involves the issue of freedom of navigation in a narrow arm of the sea. Although Egypt, Saudi Arabia, and Israel to date claim a six-mile limit and the Arab states may extend their claims to 12 miles in the future, these claims are of little consequence since the strategic southern entrance through the Strait of Tiran is only about four miles wide and the northern end of the gulf bordering Israel and Jordan narrows to less than four miles. The Strait of Tiran is bordered by the Egyptian mainland and by Tiran Island, which is claimed by Saudi Arabia.

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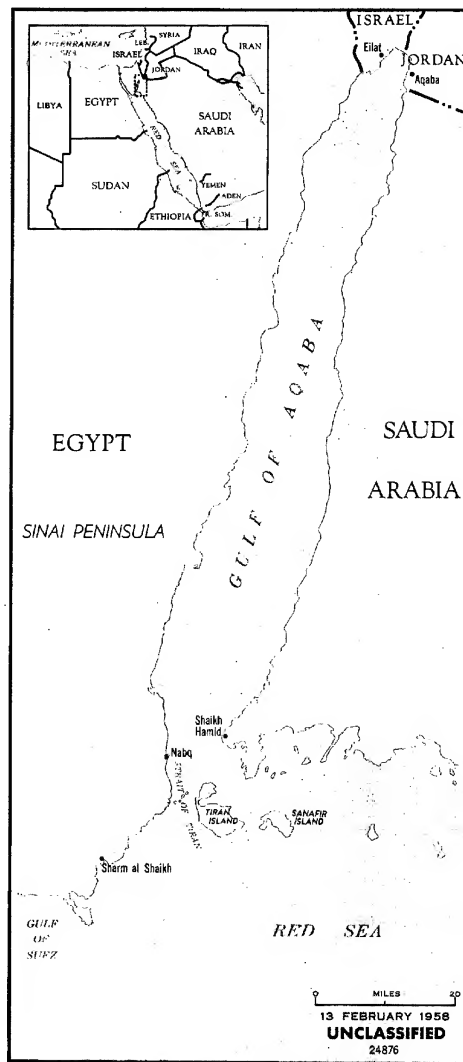
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Egypt and Saudi Arabia assert the gulf should be divided equally between them and that the entrance itself is not international waters, a contention made only since the founding of Israel in order to isolate the Israeli port of Eilat. Britain and the US maintain that the gulf and its entrance are international waters.

By the Egyptian-Israeli General Armistice Agreement of 1949, Israeli naval vessels were excluded from waters within three miles of Egyptian territory, a condition which is applicable to the Gulf of Aqaba. Saudi officials state that ships of all nations except Israel and the United States now obtain entry clearance when approaching the Strait of Tiran. Recent passages by vessels that have failed to request clearance have not been stopped because of the acknowledged ineffectiveness of Saudi troops, the presence of units of the United Nations Emergency Force stationed along the Strait of Tiran, and the proximity of Israeli and American armed forces. Territorial rights in the waters at the head of the gulf are complicated by varying definitions of the Israeli-Jordanian and Jordanian-Saudi Arabian boundaries.

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